

ASSEMBLY BILL

No. 1653

Introduced by Assembly Member Garcia

February 11, 2014

An act to amend Sections 11320.3 and 11322.85 of, to repeal Section 11495.1 of, and to repeal and add Sections 11495.15 and 11495.25 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as introduced, Garcia. CalWORKs: victims of domestic violence.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, and state and county funds. As part of the CalWORKs program, participants generally receive 24 months of specified welfare-to-work services and activities, after which they are required to meet federal work participation requirements, as specified. Existing law authorizes a county to excuse a participant from the welfare-to-work requirements for good cause if the person is a victim of domestic violence and participation would be detrimental to or unfairly penalize the individual or his or her family. Existing law also authorizes each county to waive a program requirement at any time for a recipient who is a past or present victim of abuse, as specified.

This bill would require the State Department of Social Services to establish a standard, statewide notice and process to ensure that applicants for, or recipients of, CalWORKs aid who are past or present victims of domestic violence are not placed at further risk or unfairly

penalized by program requirements, rules, or procedures. The bill would also require, with specified verification, the county to waive, for applicants or recipients, program requirements that make it more difficult for the victim to escape domestic violence, unfairly penalize the victim or family, or place them at further risk or encourage them to remain with the abuser. The bill would provide that a month in which an individual has been granted an exemption from welfare-to-work requirements due to domestic violence shall not be counted as one of the 24 months of participation in welfare-to-work activities. The bill would require human services agencies to develop a domestic violence service plan that is consistent with federal law. The bill would also require counties to use the standard, statewide notice or an approved county notice, to inform all CalWORKs applicants and recipients of their rights and how to secure a waiver. By increasing the duties of county human services agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) In enacting this act, the Legislature
- 2 recognizes that some individuals who are in need of public
- 3 assistance are, or have been, victims of abuse.
- 4 (b) It is the intent of the Legislature to ensure that victims of
- 5 abuse and recipients who are past or present victims of abuse are
- 6 not placed at further risk or unfairly penalized by program
- 7 requirements or procedures.
- 8 (c) The Legislature intends that, in implementing this act, a
- 9 standard, statewide notice to CalWORKs applicants and recipients
- 10 will be established, informing them of rights for domestic violence
- 11 victims and survivors and instructing them how to secure these
- 12 rights, as well as referrals for counseling services.

1 (d) It is also the intent of the Legislature that program
2 requirements for aid under the CalWORKs program shall not be
3 created or applied in a way that would make it more difficult for
4 a victim to escape domestic violence or unfairly penalize the
5 victim.

6 (e) The Legislature further intends that victims of domestic
7 abuse have the opportunity to benefit from the services and income
8 maintenance available through the CalWORKs program, enabling
9 victims and their families to transition to independence and lead
10 healthy lives free from domestic abuse.

11 (f) Finally, it is the intent of the Legislature that the county
12 human services agency refer victims of domestic violence to
13 support services, including those provided by the victim's health
14 care provider.

15 SEC. 2. Section 11320.3 of the Welfare and Institutions Code
16 is amended to read:

17 11320.3. (a) (1) Except as provided in subdivision (b) or if
18 otherwise exempt, every individual, as a condition of eligibility
19 for aid under this chapter, shall participate in welfare-to-work
20 activities under this article.

21 (2) Individuals eligible under Section 11331.5 shall be required
22 to participate in the Cal-Learn Program under Article 3.5
23 (commencing with Section 11331) during the time that article is
24 operative, in lieu of the welfare-to-work requirements, and
25 subdivision (b) shall not apply to that individual.

26 (b) The following individuals shall not be required to participate
27 for so long as the condition continues to exist:

28 (1) An individual under 16 years of age.

29 (2) (A) A child attending an elementary, secondary, vocational,
30 or technical school on a full-time basis.

31 (B) A person who is 16 or 17 years of age, or a person described
32 in subdivision (d) who loses this exemption, shall not requalify
33 for the exemption by attending school as a required activity under
34 this article.

35 (C) Notwithstanding subparagraph (B), a person who is 16 or
36 17 years of age who has obtained a high school diploma or its
37 equivalent and is enrolled or is planning to enroll in a
38 postsecondary education, vocational, or technical school training
39 program shall also not be required to participate for so long as the
40 condition continues to exist.

(D) For purposes of subparagraph (C), a person shall be deemed to be planning to enroll in a postsecondary education, vocational, or technical school training program if he or she, or his or her parent, acting on his or her behalf, submits a written statement expressing his or her intent to enroll in such a program for the following term. The exemption from participation shall not continue beyond the beginning of the term, unless verification of enrollment is provided or obtained by the county.

(3) An individual who meets either of the following conditions:

(A) The individual is disabled as determined by a doctor's verification that the disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities, provided that the individual is actively seeking appropriate medical treatment.

(B) The individual is of advanced age.

(4) A nonparent caretaker relative who has primary responsibility for providing care for a child and is either caring for a child who is a dependent or ward of the court or caring for a child in a case in which a county determines the child is at risk of placement in foster care, and the county determines that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities such that they impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.

(5) An individual whose presence in the home is required because of illness or incapacity of another member of the household and whose caretaking responsibilities impair the recipient's ability to be regularly employed or to participate in welfare-to-work activities.

(6) A parent or other relative who meets the criteria in subparagraph (A) or (B).

(A) (i) The parent or other relative has primary responsibility for personally providing care to a child six months of age or under, except that, on a case-by-case basis, and based on criteria developed by the county, this period may be reduced to the first 12 weeks after the birth or adoption of the child, or increased to the first 12 months after the birth or adoption of the child. An individual may be exempt only once under this clause.

1 (ii) An individual who received an exemption pursuant to clause
2 (i) shall be exempt for a period of 12 weeks, upon the birth or
3 adoption of any subsequent children, except that this period may
4 be extended on a case-by-case basis to six months, based on criteria
5 developed by the county.

6 (iii) In making the determination to extend the period of
7 exception under clause (i) or (ii), the following may be considered:

8 (I) The availability of child care.

9 (II) Local labor market conditions.

10 (III) Other factors determined by the county.

11 (iv) Effective January 1, 2013, the parent or other relative has
12 primary responsibility for personally providing care to one child
13 from birth to 23 months, inclusive. The exemption provided for
14 under this clause shall be available in addition to any other
15 exemption provided for under this subparagraph. An individual
16 may be exempt only once under this clause.

17 (B) In a family eligible for aid under this chapter due to the
18 unemployment of the principal wage earner, the exemption criteria
19 contained in subparagraph (A) shall be applied to only one parent.

20 (7) A parent or other relative who has primary responsibility
21 for personally providing care to one child who is from 12 to 23
22 months of age, inclusive, or two or more children who are under
23 six years of age.

24 (8) A woman who is pregnant and for whom it has been
25 medically verified that the pregnancy impairs her ability to be
26 regularly employed or participate in welfare-to-work activities or
27 the county has determined that, at that time, participation will not
28 readily lead to employment or that a training activity is not
29 appropriate. If a pregnant woman is unable to secure this medical
30 verification, but is otherwise eligible for an exemption from
31 welfare-to-work requirements under this section, including good
32 cause for temporary illness related to the pregnancy, she shall be
33 exempt from participation.

34 (c) Any individual not required to participate may choose to
35 participate voluntarily under this article, and end that participation
36 at any time without loss of eligibility for aid under this chapter, if
37 his or her status has not changed in a way that would require
38 participation.

39 (d) (1) Notwithstanding subdivision (a), a custodial parent who
40 is under 20 years of age and who has not earned a high school

1 diploma or its equivalent, and who is not exempt or whose only
2 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
3 subdivision (b), shall be required to participate solely for the
4 purpose of earning a high school diploma or its equivalent. During
5 the time that Article 3.5 (commencing with Section 11331) is
6 operative, this subdivision shall only apply to a custodial parent
7 who is 19 years of age.

8 (2) Section 11325.25 shall apply to a custodial parent who is
9 18 or 19 years of age and who is required to participate under this
10 article.

11 (e) Notwithstanding paragraph (1) of subdivision (d), the county
12 may determine that participation in education activities for the
13 purpose of earning a high school diploma or equivalent is
14 inappropriate for an 18 or 19 year old custodial parent only if that
15 parent is reassigned pursuant to an evaluation under Section
16 11325.25, or, at appraisal is already in an educational or vocational
17 training program that is approvable as a self-initiated program as
18 specified in Section 11325.23. If that determination is made, the
19 parent shall be allowed to continue participation in the self-initiated
20 program subject to Section 11325.23. During the time that Article
21 3.5 (commencing with Section 11331) is operative, this subdivision
22 shall only apply to a custodial parent who is 19 years of age.

23 (f) A recipient shall be excused from participation for good
24 cause when the county has determined there is a condition or other
25 circumstance that temporarily prevents or significantly impairs
26 the recipient's ability to be regularly employed or to participate in
27 welfare-to-work activities. The county welfare department shall
28 review the good cause determination for its continuing
29 appropriateness in accordance with the projected length of the
30 condition, or circumstance, but not less than every three months.
31 The recipient shall cooperate with the county welfare department
32 and provide information, including written documentation, as
33 required to complete the review. Conditions that may be considered
34 good cause include, but are not limited to, the following:

35 (1) Lack of necessary supportive services.

36 ~~(2) In accordance with Article 7.5 (commencing with Section~~
37 ~~11495), the applicant or recipient is a victim of domestic violence;~~
38 ~~but only if participation under this article is detrimental to or~~
39 ~~unfairly penalizes that individual or his or her family.~~

40 (3)

(2) Licensed or license-exempt child care for a child 10 years of age or younger is not reasonably available during the individual's hours of training or employment including commuting time, or arrangements for child care have broken down or have been interrupted, or child care is needed for a child who meets the criteria of subparagraph (C) of paragraph (1) of subdivision (a) of Section 11323.2, but who is not included in the assistance unit. For purposes of this paragraph, "reasonable availability" means child care that is commonly available in the recipient's community to a person who is not receiving aid and that is in conformity with the requirements of Public Law 104-193. The choices of child care shall meet either licensing requirements or the requirements of Section 11324. This good cause criterion shall include the unavailability of suitable special needs child care for children with identified special needs, including, but not limited to, disabilities or chronic illnesses.

(g) (1) Paragraph (7) of subdivision (b) shall be implemented notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327, and shall become inoperative on January 1, 2013.

(2) The State Department of Social Services, in consultation with the County Welfare Directors Association of California, and advocates, shall develop a process to assist clients with reengagement in welfare-to-work activities, pursuant to subdivision (h). Reengagement activities may include notifying clients of the expiration of exemptions, reassessments, and identifying necessary supportive services.

(h) (1) A recipient who was not required to participate in welfare-to-work activities on December 31, 2012, because, in accordance with paragraph (7) of subdivision (b), he or she is a parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age shall not be required to participate until the county welfare department reengages the recipient in welfare-to-work activities.

(2) For purposes of this subdivision, reengagement in welfare-to-work activities shall include the development of a welfare-to-work plan in accordance with Section 11325.21 and the provision of necessary supportive services pursuant to Section 11323.2.

(3) County welfare departments shall reengage all recipients described in paragraph (1) by January 1, 2015, unless the recipient is otherwise eligible for an exemption under subdivision (b).

(4) A recipient reengaged in accordance with this subdivision who has received assistance under this chapter, or from any state pursuant to the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue in a welfare-to-work plan that meets the requirements of Section 11322.6 for a cumulative period of 24 months commencing the first day of the first month after he or she is reengaged, unless or until he or she exceeds the 48-month time limitation described in Section 11454.

(5) All months of assistance described in paragraph (4) prior to the reengagement of the recipient shall not be applied to the 24-month limitation described in paragraph (1) of subdivision (a) of Section 11322.85.

SEC. 3. Section 11322.85 of the Welfare and Institutions Code is amended to read:

11322.85. (a) Unless otherwise exempt, an applicant or recipient shall participate in welfare-to-work activities.

(1) For 24 cumulative months during a recipient's lifetime, these activities may include the activities listed in Section 11322.6 that are consistent with the assessment performed in accordance with Section 11325.4 and that are included in the individual's welfare-to-work plan, as described in Section 11325.21, to meet the hours required in Section 11322.8. These 24 months need not be consecutive.

(2) Any month in which the recipient meets the requirements of Section 11322.8, through participation in an activity or activities described in paragraph (3), shall not count as a month of activities for purposes of the 24-month time limit described in paragraph (1).

(3) After a total of 24 months of participation in welfare-to-work activities pursuant to paragraph (1), an aided adult shall participate in one or more of the following welfare-to-work activities, in accordance with Section 607(c) and (d) of Title 42 of the United States Code as of the operative date of this section, that are consistent with the assessment performed in accordance with

1 Section 11325.4, and included in the individual's welfare-to-work
2 plan, described in Section 11325.21:

- 3 (A) Unsubsidized employment.
- 4 (B) Subsidized private sector employment.
- 5 (C) Subsidized public sector employment.
- 6 (D) Work experience, including work associated with the
7 refurbishing of publicly assisted housing, if sufficient private sector
8 employment is not available.
- 9 (E) On-the-job training.
- 10 (F) Job search and job readiness assistance.
- 11 (G) Community service programs.
- 12 (H) Vocational educational training (not to exceed 12 months
13 with respect to any individual).
- 14 (I) Job skills training directly related to employment.
- 15 (J) Education directly related to employment, in the case of a
16 recipient who has not received a high school diploma or a
17 certificate of high school equivalency.
- 18 (K) Satisfactory attendance at a secondary school or in a course
19 of study leading to a certificate of general equivalence, in the case
20 of a recipient who has not completed secondary school or received
21 such a certificate.
- 22 (L) The provision of child care services to an individual who is
23 participating in a community service program.
- 24 (b) Any month in which any of the following conditions exists
25 shall not be counted as one of the 24 months of participation
26 allowed under paragraph (1) of subdivision (a):
 - 27 (1) The recipient is participating in job search in accordance
28 with Section 11325.22, assessment pursuant to Section 11325.4,
29 is in the process of appraisal as described in Section 11325.2, or
30 is participating in the development of a welfare-to-work plan as
31 described in Section 11325.21.
 - 32 (2) The recipient is no longer receiving aid, pursuant to Sections
33 11327.4 and 11327.5.
 - 34 (3) The recipient has been excused from participation for good
35 cause, pursuant to Section 11320.3.
 - 36 (4) The recipient is exempt from participation pursuant to
37 subdivision (b) of Section 11320.3.
 - 38 (5) The recipient is only required to participate in accordance
39 with subdivision (d) of Section 11320.3.

(6) The recipient is participating in family stabilization pursuant to Section 11325.24, and the recipient would meet the criteria for good cause pursuant to Section 11320.3. This paragraph may apply to a recipient for no more than six cumulative months.

(7) *The recipient has been granted a domestic violence waiver pursuant to Section 11495.15.*

(c) County welfare departments shall provide each recipient who is subject to the requirements of paragraph (3) of subdivision (a) written notice describing the 24-month time limitation described in that paragraph and the process by which recipients may claim exemptions from, and extensions to, those requirements.

(d) The notice described in subdivision (c) shall be provided at the time the individual applies for aid, during the recipient's annual redetermination, and at least once after the individual has participated for a total of 18 months, and prior to the end of the 21st month, that count toward the 24-month time limit.

(e) The notice described in this section shall include, but shall not be limited to, all of the following:

(1) The number of remaining months the adult recipient may be eligible to receive aid.

(2) The requirements that the recipient must meet in accordance with paragraph (3) of subdivision (a) and the action that the county will take if the adult recipient does not meet those requirements.

(3) The manner in which the recipient may dispute the number of months counted toward the 24-month time limit.

(4) The opportunity for the recipient to modify his or her welfare-to-work plan to meet the requirements of paragraph (3) of subdivision (a).

(5) The opportunity for an exemption to, or extension of, the 24-month time limitation.

(f) For an individual subject to the requirements of paragraph (3) of subdivision (a), who is not exempt or granted an extension, and who does not meet those requirements, the provisions of Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to the extent consistent with the requirements of this section. For purposes of this section, the procedures referenced in this subdivision shall not be described as sanctions.

(g) (1) The department, in consultation with stakeholders, shall convene a workgroup to determine further details of the noticing and engagement requirements for the 24-month time limit, and

1 shall instruct counties via an all-county letter, followed by
2 regulations, no later than 18 months after the effective date of the
3 act that added this section.

4 (2) The workgroup described in paragraph (1) may also make
5 recommendations to refine or differentiate the procedures and due
6 process requirements applicable to individuals as described in
7 subdivision (f).

8 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
9 other law, an assistance unit that contains an eligible adult who
10 has received assistance under this chapter, or from any state
11 pursuant to the Temporary Assistance for Needy Families program
12 (Part A (commencing with Section 401) of Title IV of the federal
13 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
14 1, 2013, may continue in a welfare-to-work plan that meets the
15 requirements of Section 11322.6 for a cumulative period of 24
16 months commencing January 1, 2013, unless or until he or she
17 exceeds the 48-month time limitation described in Section 11454.

18 (2) All months of assistance described in paragraph (1) prior to
19 January 1, 2013, shall not be applied to the 24-month limitation
20 described in paragraph (1) of subdivision (a).

21 (i) This section shall become operative on January 1, 2014.

22 SEC. 4. Section 11495.1 of the Welfare and Institutions Code
23 is repealed.

24 ~~11495.1. (a) The department shall convene a task force~~
25 ~~including, but not limited to, district attorney domestic violence~~
26 ~~units, county departments of social services, the County Welfare~~
27 ~~Directors Association of California, the California State~~
28 ~~Association of Counties, statewide domestic violence prevention~~
29 ~~groups, local domestic violence prevention advocates, and service~~
30 ~~providers, the State Department of Health Care Services, the State~~
31 ~~Department of Public Health, and the California Emergency~~
32 ~~Management Agency. The department shall develop, in~~
33 ~~consultation with the task force, protocols on handling cases in~~
34 ~~which recipients are past or present victims of abuse. The protocols~~
35 ~~shall define domestic abuse, and shall address training standards~~
36 ~~and curricula, individual case assessments, confidentiality~~
37 ~~procedures, notice procedures and counseling or other appropriate~~
38 ~~participation requirements as part of an overall plan to transition~~
39 ~~from welfare-to-work. The protocol shall specify how counties~~
40 ~~shall do the following:~~

1 ~~(1) Identify applicants and recipients of assistance under this~~
2 ~~chapter who have been or are victims of abuse, including those~~
3 ~~who self-identify, while protecting confidentiality.~~

4 ~~(2) Refer these individuals to supportive services.~~

5 ~~(3) Waive, on a case-by-case basis, for so long as necessary,~~
6 ~~pursuant to a determination of good cause under paragraph (2) of~~
7 ~~subdivision (f) of Section 11320.3, any program requirements that~~
8 ~~would make it more difficult for these individuals or their children~~
9 ~~to escape abuse, and that would be detrimental or unfairly penalize~~
10 ~~past or present victims of abuse. Requirements that may be waived~~
11 ~~include, but are not limited to, time limits on receipt of assistance,~~
12 ~~work requirements, educational requirements, paternity~~
13 ~~establishment and child support cooperation requirements.~~

14 ~~(b) The department shall issue regulations describing the~~
15 ~~protocol identified in subdivision (a) no later than January 1, 1999.~~

16 ~~(c) Waivers of time limits granted pursuant to this section shall~~
17 ~~not be implemented if federal statutes or regulations clarify that~~
18 ~~abuse victims are included in the 20 percent hardship exemptions~~
19 ~~and that no good cause waivers of the 20 percent limit will be~~
20 ~~granted to the state for victims of abuse, thereby incurring a penalty~~
21 ~~to the state.~~

22 ~~(d) Waivers of the work requirements granted pursuant to this~~
23 ~~section shall not be implemented if federal statutes or regulations~~
24 ~~clarify that the state will be penalized for failing to meet work~~
25 ~~participation requirements due to granting waivers to abuse victims.~~

26 SEC. 5. Section 11495.15 of the Welfare and Institutions Code
27 is repealed.

28 ~~11495.15. A county may waive a program requirement for a~~
29 ~~recipient who has been identified as a past or present victim of~~
30 ~~abuse when it has been determined that good cause exists pursuant~~
31 ~~to paragraph (2) of subdivision (f) of Section 11320.3. Until~~
32 ~~implementation of the regulations required pursuant to subdivision~~
33 ~~(b) of Section 11495.1, a county may utilize standards, procedures,~~
34 ~~and protocols currently available, and shall identify them in its~~
35 ~~county plan. Waivers shall be reevaluated in accordance with other~~
36 ~~routine periodic reevaluations by the county.~~

37 SEC. 6. Section 11495.15 is added to the Welfare and
38 Institutions Code, to read:

39 11495.15. (a) The State Department of Social Services shall
40 establish a standard statewide notice and process to ensure that

1 applicants for, or recipients of, aid under this chapter who are past
2 or present victims of domestic violence are not subject to program
3 requirements, rules, or procedures that make it more difficult for
4 the victim to escape domestic violence, unfairly penalize the victim,
5 place the victim at further risk of abuse, or encourage the victim
6 to remain with his or her abuser.

7 (b) (1) A county shall, with verification provided pursuant to
8 Section 11495.25, temporarily waive a program requirement,
9 subject to subdivision (e), at any time for an applicant or recipient
10 who is a past or present victim of abuse when it has been
11 determined that the requirement makes it more difficult for the
12 victim to escape domestic violence, would unfairly penalize the
13 victim or the victim's family, places the victim at further risk of
14 abuse, or encourages the victim to remain with the abuser.

15 (2) A county shall, with verification provided pursuant to Section
16 11495.25, permanently waive the child support requirements set
17 forth in Section 11477, and any other requirement determined by
18 the department, at any time for an applicant or recipient who is a
19 past or present victim of abuse when it has been determined that
20 the rule or requirement makes it more difficult for the victim to
21 escape domestic violence, would unfairly penalize the victim or
22 the victim's family, places the victim at further risk of abuse, or
23 encourages the victim to remain with the abuser.

24 (3) A county shall, with verification provided pursuant to Section
25 11495.25, permanently waive the maximum family grant
26 requirement set forth in Section 11450.04.

27 (c) County human services agencies shall provide, or make a
28 referral to, available domestic violence services for an applicant
29 or recipient granted a temporary or permanent waiver pursuant to
30 this section, unless the applicant or recipient is already in receipt
31 of those services.

32 (d) County human services agencies shall develop a domestic
33 violence service plan that is consistent with Section 260.55(c) of
34 Title 45 of the Code of Federal Regulations and shall be prepared
35 by a county human services agency employee trained in domestic
36 violence.

37 (e) (1) A temporary waiver granted pursuant to paragraph (1)
38 of subdivision (b) shall be reevaluated by the county human
39 services agency every six months following the granting of the
40 waiver to determine all of the following:

1 (A) If the conditions under which the temporary waiver was
2 granted still exist.

3 (B) Whether the recipient is participating in domestic violence
4 services pursuant to subdivision (c), as documented in writing by
5 the domestic violence service provider.

6 (C) Whether the recipient needs further domestic violence
7 services, as documented in writing by the domestic violence service
8 provider.

9 (D) Whether the domestic violence service provider documents
10 in writing that the recipient needs an additional six months of
11 domestic violence services.

12 (2) If the county human services agency determines that
13 subparagraphs (A) to (D), inclusive, of paragraph (1) have been
14 met, the county human services agency may grant additional
15 six-month extensions of the temporary waiver of program
16 requirements.

17 (3) Nothing shall preclude the applicant or recipient from
18 contacting the county earlier than the six-month review to request
19 information or seek to participate in welfare-to-work activities,
20 regardless of whether he or she is waived from the welfare-to-work
21 requirements.

22 (f) Any month in which an individual has been granted an
23 exemption from welfare-to-work requirements under this section
24 shall not be counted as one of the 24 months of participation
25 allowed under paragraph (1) of subdivision (a) of Section 11322.85.

26 (g) County human services agencies shall use the standard
27 statewide notice or approved county notice to inform all
28 CalWORKs applicants and recipients of their right to request a
29 waiver of program requirements as established in this section. The
30 notice shall be given, orally and in writing, at the time of
31 application and during the welfare-to-work planning process. The
32 notice shall be given in writing at redetermination, in each notice
33 of action for sanction resulting from failure to participate in a
34 program requirement, and whenever an applicant or recipient
35 voluntarily discloses that he or she is a victim of abuse. Proof that
36 the applicant or recipient was provided with each notice shall be
37 retained in his or her case file.

38 (h) (1) The notice required by subdivision (g) shall be developed
39 by the department, in consultation with county human services

1 agencies, domestic violence and CalWORKs advocates, and
2 CalWORKs caseworkers, and it shall include all of the following:

3 (A) The rights and responsibilities established in this section.

4 (B) Examples of the types of program requirement waivers that
5 may be requested.

6 (C) Space for county-specific instructions for securing a waiver
7 and a service plan.

8 (D) Space for county domestic abuse resources, including mental
9 health services.

10 (E) Confidentiality and the limits thereof.

11 (F) The good cause exemption to the child support cooperation
12 requirement.

13 (G) General abuse information such as safety planning.

14 (H) Information about how to receive county assistance in
15 tailoring welfare-to-work plans to meet the needs of victims when
16 they do not have a waiver of the welfare-to-work requirements.

17 (I) Remedies available for immigrant domestic violence
18 survivors.

19 (2) A county that wishes to use a notice it has developed may
20 do so with the approval of the department, provided that the notice
21 meets the minimum requirements of this subdivision.

22 (i) An applicant or recipient of aid shall not be required to
23 disclose his or her status, or the status of another member of the
24 authorized unit, as a domestic violence victim in order to receive
25 aid.

26 (j) (1) This section does not limit the authority of a county to
27 waive a program rule or requirement retroactively, if the past
28 application of the rule or requirement unfairly penalized the
29 individual or made it more difficult for the individual to escape
30 the abuse. The county shall require the applicant or recipient to
31 provide evidence of the past abuse, as described in subdivision (b)
32 of Section 11495.25, in order to waive a program requirement
33 retroactively, and may assist the applicant or recipient in obtaining
34 the evidence, as appropriate. A county shall not retroactively waive
35 a program requirement for more than 12 months.

36 (2) Notwithstanding paragraph (1), a county shall waive the
37 program requirements for more than 12 months if the county failed
38 to provide a written notice pursuant to subdivision (g). Retroactivity
39 shall be limited to the date the last written notice was provided to
40 the applicant or recipient by the county. Notwithstanding this

1 provision, retroactivity may be granted beyond the last written
2 notice if the county worker failed to assess whether a waiver should
3 be granted after the applicant or recipient has requested a waiver
4 and provided the appropriate documentation as specified in Section
5 11495.25. If denied a waiver, an applicant or recipient shall be
6 informed that he or she has a right to a hearing by an administrative
7 law judge.

8 SEC. 7. Section 11495.25 of the Welfare and Institutions Code
9 is repealed.

10 ~~11495.25. Sworn statements by a victim of past or present~~
11 ~~abuse shall be sufficient to establish abuse unless the agency~~
12 ~~documents in writing an independent, reasonable basis to find the~~
13 ~~recipient not credible. Evidence may also include, but is not limited~~
14 ~~to: police, government agency, or court records or files;~~
15 ~~documentation from a domestic violence program, legal, clerical,~~
16 ~~medical or other professional from whom the applicant or recipient~~
17 ~~has sought assistance in dealing with abuse; or other evidence,~~
18 ~~such as a statement from any other individual with knowledge of~~
19 ~~the circumstances that provide the basis for the claim, physical~~
20 ~~evidence of abuse, or any other evidence that supports the~~
21 ~~statement.~~

22 SEC. 8. Section 11495.25 is added to the Welfare and
23 Institutions Code, to read:

24 11495.25. When determining eligibility for a prospective
25 waiver of a program requirement established in Section 11495.15,
26 either of the following shall be accepted:

27 (a) A sworn statement by an applicant or recipient that past or
28 present abuse has occurred shall be sufficient for a prospective
29 waiver of program requirements, unless the county human services
30 agency documents in writing an independent, reasonable basis to
31 find that the applicant or recipient is not credible. If the county
32 human services agency documents that the applicant or recipient
33 is not credible, the applicant or recipient may provide evidence as
34 set further in subdivision (b). The applicant or recipient is not
35 precluded from voluntarily providing additional evidence that may
36 be available beyond a sworn statement. The evidence shall be
37 retained in the case file.

38 (b) Evidence required pursuant to subdivision (a) of this section
39 and subdivision (j) of Section 11495.15 that abuse, as defined in

1 Section 11495.12, is occurring or has occurred in the past shall
2 consist of either of the following:

3 (1) Police, government agency, or court records or files.

4 (2) Documentation from a domestic violence program, legal,
5 clerical, medical, or other professional from whom the applicant
6 or recipient is seeking or has sought assistance regarding the abuse.

7 SEC. 9. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.